HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No.3801 of 1999

Dated **7th November** 2007

Between:

APSRTC represented by its Managing Director,
Mushirabad, Hyderabad.

……Petitioner

and

V. Indrasena Reddi,
Chaitanapuri,
Dilsukhnagar, Hyderabad.

……..Respondent.

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ORDER:

This Writ Petition is filed seeking to quash the order dated 31.8.1998 passed by the Labour Court-II, Hyderabad in M.P.No.18 of 1996, fixing the pay scale of respondent No.1 and directing the petitioners-Corporation to pay an amount of Rs.47,386/- towards the difference of arrears of pay from 01.06.1994 to 10.08.1996.

Respondent No.1 was appointed as Conductor in the petitioners-APSRTC on 18.06.1971. While so, he was issued a charge sheet alleging that while he was conducting the bus on route Medak – Nizamsagar on 25.06.1972, a check was exercised at stage No.26/27 and found certain cash and ticket irregularities, and after conducting a detailed enquiry, respondent No.1 was removed from service on
29-1-1973. Against the said removal order, respondent No.1 filed appeal and review petition, which were also rejected on 20-1-1974 and 8.5.1975 respectively.

Thereafter, respondent No.1 raised an Industrial Dispute in I.D. No. 264 of 1992, and the Labour Court, by award dated 19.01.1994, directed reinstatement of respondent No.1 into service without break in service, but without back wages. Pursuant to the said award, respondent No.1 was reinstated into service by order dated 06.04.1994. Subsequently, respondent No.1 filed E.P. No.20 of 1994 in I.D. No. 264 of 1992 claiming arrears of salary from 27.02.1994 to 31.05.1994, which was allowed on 27.04.1995, and respondent No.1 also received an amount of Rs.11,279-50 ps., towards salary from 27.02.1994 to 31.05.1994. Thereafter, respondent No.1 filed M.P. No. 18 of 1996 claiming an amount of Rs.61,988-60 ps., towards difference of salary from 01.06.1994 to 10.08.1996, and respondent No.2-Labour Court, by reason of the order impugned herein, allowed the same. Aggrieved by the same, the petitioners-Corporation filed the present writ petition.

Heard the learned Standing Counsel for the petitioners and perused the material on record.

It is unfortunate to note that though the writ petition against the contesting respondent No.1 was dismissed for default as long back as on 21.2.2003, so far no steps have been taken by the petitioners-Corporation to restore the writ petition against him. In that view of the matter, no

relief as sought for by the petitioners-corporation can be granted in this writ petition. Accordingly, the writ petition is dismissed. However, the petitioners-Corporation is at liberty to take appropriate action against the concerned who is responsible in not pursuing the matter. No costs.

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(N.V. RAMANA, J)

Dt.07-11-2007
MRB